THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NOs.2079 and 2103 of 2005

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14th November 2005

1. W.A.No.2079 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22.09.2005 in W.P.NO.145 OF 2005 on the file of the High Court.)

Between:

Gogineni Samba Siva Rao, S/o. Kotaiah,
J.K.C.College, Guntur, Guntur District.

...APPELLANT

AND

1. The J.K.C. College, Guntur, Guntur District Rep. by its Secretary

and Correspondent.
2. S.R.K. Prasad, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
3. Smt. P. Santha Kumari, W/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
4. C. Krishna Prasad, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
5. N. Sarath Chandra Naidu, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
6. V.D. Naidu, S/o. Not Known to the Petitioner,
J.K.C. College, Guntur, Guntur District.
7. The Commissioner/Director of Collegiate Education, Government

of Andhra Pradesh, Nampally, Hyderabad.
8. The Regional Joint Director of Collegiate, Education,
Guntur, Guntur District.
9. The Government of Andhra Pradesh, Rep. by its Principal Secretary,
Higher Education Department, Secretariat, Hyderabad.

...RESPONDENTS

2. W.A.No.2103 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22.09.2005 in W.P.NO.145 OF 2005 on the file of the High Court.)

Between:

The JKC College, Guntur, Guntur district, Rep by its Secretary and Correspondent.

...APPELLANT

AND

1. Gogineni Samba Siva Rao, S/o.Kotaiah,
   Guntur District.
2. S.R.K. Prasad, S/o. Not Known to the Petitioner,
   J.K.C. College, Guntur, Guntur District.
3. Smt. P. Santha Kumari, W/o. Not Known to the Petitioner,
   J.K.C. College, Guntur, Guntur District.
4. C. Krishna Prasad, S/o. Not Known to the Petitioner,
   J.K.C. College, Guntur, Guntur District.
5. N. Sarath Chandra Naidu, S/o. Not Known to the Petitioner,
   J.K.C. College, Guntur, Guntur District.
6. V.D. Naidu, S/o. Not Known to the Petitioner,
   J.K.C. College, Guntur, Guntur District.
7. The Commissioner/Director of Collegiate Education, Guntur, Guntur District.
8. The Regional Joint Director of Collegiate, Education,
   Guntur, Guntur District.
9. The Government of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education Department, Secretariat, Hyderabad.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.2079 and 2103 of 2005

COMMON JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

These two appeals arise out of a common order dated 22.09.2005 in Writ Petition No.145 of 2005. At the request of the learned counsel on either side, the two Writ Appeals are taken up for disposal.

The only question involved in these Writ Appeals is the appointment of the In-charge Principal in the interregnum is valid or not. Initially, Writ Petition No.145 of 2005 was filed by the appellant in W.A.No.2079 of 2005 complaining against the seniority as such and on the basis that he being the senior, he must be appointed as In-charge Principal. The learned Single Judge, after going through the merits of the case, opined that the seniority list is in the teeth of the natural justice and it is left open to the management to take a decision as to the appropriate choice for appointing a person as a Full Additional Charge Principal of the institution. As against the said order, the writ petitioner herein filed Writ Appeal complaining that he being the

senior most and it being the practice, he has to be appointed as In-charge Principal.

The management also filed Writ Appeal No.2103 of 2005 on the ground that absolutely there is no illegality in preparation of seniority list.

Having considered the submissions made on either side and on perusal of the material available on record, it is seen that the only ground on which the seniority list was prepared is on the ground of natural justice. In this regard, there is no denial to the said fact by the management or there is any grievance as such on behalf of the contesting respondent. Therefore, we do not find any merits in the appeal filed by the management.

However, during the course of the arguments, it is submitted that the management has already passed an order on 07.10.2005 appointing the contesting respondent as In-charge Principal till the regular Principal is appointed. The learned counsel on either side pointed that the said situation is continuing for the last more than ten years but no regular appointment is made. In the circumstances, we direct the management and the authorities concerned to finalize the process of appointing the Principal on regular basis within a period of three months from today.

Subject to the above, we do not find any merits in the grievance of both the appellants. Accordingly, both the Writ Appeals are disposed of. No costs.

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(B.PRAKASH RAO, J)

(P.LAKSHMANA REDDY, J)

14th November 2005

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